Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1979

No. 79-273

DAVID J. POTTER and CHARLES A. POTTER
d/b/a/ POTTER & POTTER
Attorneys at Law,

Petitioners,

v.

SAM JONES, E. C. HOCHENDEL,
JOHN HARDISTY, CHAR-LITE BRIQUETTS, INC.
& PINE-O-PINE COMPANY,

Respondents.

RESPONSE OF THE RESPONDENT, SAM JONES, TO PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ARKANSAS

ROBERT C. COMPTON
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Counsel for Sam Jones,
Respondent

PRESS OF BYRON S. ADAMS, INC., WASHINGTON, D.C.

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The respondent, Sam Jones, respectfully prays that the petition for writ of certiorari filed herein by the petitioners, David J. Potter and Charles A. Potter, d/b/a Potter & Potter, Attorneys at Law, to review the judgment of the Arkansas Supreme Court entered in this proceeding on April 2, 1979, be denied.

REASON FOR DENYING THE WRIT

There has been no denial of due process to the petitioners. The contentions of the petitioners and evidence in support thereof were heard by the presiding trial judge and made a part of the record on December 20, 1977 (R. 77, Vol. 2), and January 5, 1978 (R. 76, Vol. 2); (ps. 9, 10 and 14 of Petition).

Consequently, the petitioners have in no way been deprived of due process and have had a hearing on the merits of all their contentions both by the trial court and the Supreme Court of Arkansas.

It is to be noted that the Supreme Court of Arkansas, in its opinion, passed upon five issues raised therein by these petitioners, one of which being the contention of lack of due process. The Supreme Court of Arkansas granted petitioners substantial relief by reducing the judgment against them from $13,942.00 to $5,105.00. (Appendix "U" of Petition).

CONCLUSION

The trial court and the Supreme Court of Arkansas afforded the petitioners ample notice and opportunity to be heard as to all contentions, heard all contentions and passed upon same.

There has been no denial of due process and the petition should be denied.

Respectfully submitted,

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Respondent